

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JEANNE PEREZ-DENISON,

Plaintiff,

v.

**KAISER FOUNDATION HEALTH
PLAN OF THE NORTHWEST, an
Oregon Corporation, and DAVID G.
FISHER,**

Defendants.

No. 3:10-CV-00903-HU

**ORDER ADOPTING
FINDINGS & RECOMMENDATION**

SIMON, District Judge.

On January 27, 2012, Magistrate Judge Dennis J. Hubel filed Findings and Recommendation (Dkt. 122) in this case. Judge Hubel recommended granting in part and denying in part both the motion for summary judgment filed by Defendant Kaiser Foundation Health Plan of the Northwest (Dkt. 47) and the motion for summary judgment filed by Defendant David G. Fisher (Dkt. 48). The matter is now before me pursuant to the Magistrates Act, 28 U.S.C. § 636(b)(1)(B), and Rule 72(b) of the Federal Rules of Civil Procedure. Under the Magistrates Act, the court may “accept, reject or modify, in whole or in part, the findings or

recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). *De novo* review means that the court “considers the matter anew, as if no decision had been rendered.” *Dawson*, 561 F.3d at 933.

Plaintiff and Defendants each filed timely objections to portions of Judge Hubel’s Findings and Recommendation and responses to each other’s objections. The parties have also presented oral argument on their objections and responses. After *de novo* review, I ADOPT Judge Hubel’s Findings and Recommendation (Dkt. 122) for the reasons stated therein. Accordingly, Defendants’ motions for summary judgment (Dkts. 47 and 48) are granted in part and denied in part for the reasons stated by Judge Hubel in his Findings and Recommendation (Dkt. 122).

Dated this 9th day of April, 2012.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge